

1 TRAPANI

2 Q. You remained at the scene and
3 had a brief conversation with the old woman?

4 A. Yes.

5 Q. You said you directed another
6 employee to basically stay with the old
7 woman; is that correct?

8 A. Yes.

9 Q. What did you do next?

10 A. I went into the office where
11 Daniel was.

12 Q. Was Frankie there?

13 A. Yes.

14 Q. And the shoplifter?

15 A. Yes.

16 Q. Back to Daniel's office?

17 A. Yes.

18 Q. Then what happened in that
19 office next, did you or somebody bind the
20 shoplifter, or close the door to the office
21 something else?

22 A. The door was closed.

23 Q. Did you ever see that old woman
24 again that was caused to fall?

25 A. No.

1 TRAPANI

2 Q. Do you know if the old woman was
3 able to get up on her own?

4 A. No.

5 Q. Do you know if the old woman
6 needed any type of medical assistance?

7 A. No.

8 Q. Did you ever learn the identify
9 of that old woman?

10 A. No.

11 Q. Do you know if there was a
12 surveillance camera at the store on the date
13 of the incident, correct?

14 A. Yes.

15 Q. To your knowledge, do you know
16 if there was a surveillance video of the
17 apprehension of the young lady?

18 A. No.

19 Q. No, you don't know or no, there
20 wasn't?

21 A. No, I don't know.

22 Q. Do you know if there was a
23 surveillance video between the contact of
24 the young lady and the old woman?

25 A. No.

1 TRAPANI

2 Q. Did Daniel indicate to you that
3 there was a video of that?

4 A. Not to me.

5 Q. To your knowledge, if you know
6 if there is any videotape out there showing
7 that?

8 A. No, I don't.

9 MR. WHITTON: Off the record.

10 (At this time, there was a
11 discussion held off the record.)

12 Q. Does the surveillance camera do
13 they video the whole store or just certain
14 areas of the store?

15 MR. WHITTON: What do you mean
16 by video?

17 Q. Surveillance camera, do you know
18 if they tape?

19 A. Sometimes.

20 Q. Do you know if it was taping at
21 the time that this incident occurred?

22 A. I don't.

23 Q. At some point did the police
24 arrive?

25 A. Yes.

1 TRAPANI

2 Q. Did they take that young lady
3 away?

4 A. Yes.

5 Q. She was arrested?

6 A. I don't know.

7 Q. Do you know if there are any
8 guidelines or procedures that Circuit City
9 employees follow in the apprehension of
10 shoplifters?

11 A. I don't know.

12 Q. Is there any written guidelines
13 that are followed for the apprehension of
14 shoplifters for Circuit City?

15 MR. WHITTON: Note my
16 objection. Asked and answered. Go
17 ahead and answer.

18 A. I don't know.

19 Q. As far as you know, there are no
20 written guidelines for the apprehension of
21 the shoplifters at Circuit City?

22 MR. WHITTON: Objection. She
23 already answered she didn't know either
24 way.

25 Q. Do you know if there was any

1 TRAPANI

2 accident reports or incidents reports filled
3 out involving either the shoplifting or the
4 incident with the old woman?

5 A. Daniel did take information when
6 it first happened.

7 Q. Information from?

8 A. From the young lady.

9 Q. Do you know if any information
10 was taken from the old woman?

11 A. I don't know.

12 Q. If a customer was injured at
13 Circuit City, is usually some type of
14 incident report generated?

15 A. Yes.

16 Q. Do you know if there was an
17 accident report generated for the incidents
18 with the old woman?

19 A. I don't.

20 Q. Do you know who completes it, is
21 that an employee of Circuit City, Daniel,
22 yourself, or somebody else?

23 A. Someone in management for
24 Circuit City.

25 Q. Before coming here, did you ever

1 TRAPANI

2 search to see if there were any incident
3 reports involving this old woman?

4 A. No.

5 Q. To your knowledge, do you know
6 if an incident report existed for an
7 incident involving the old woman?

8 A. I don't know.

9 MR. SEARS: Off the record.

10 (At this time, there was a
11 discussion held off the record.)

12 Q. Did you ever have to generate
13 any type of written reports involving this
14 incident either for the shoplifting or the
15 incident with the old woman?

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17 (Continued on Page 75 to include
18 jurat.)

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1 TRAPANI

2 A. I don't remember.

3 MR. SEARS: No further
4 questions.

5 (Whereupon, at 11:40 A.M., the
6 Examination of this Witness was
7 concluded.)

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9

10

JOSEPHINE TRAPANI

11

Subscribed and sworn to before me

12

this ____ day of _____ 20__

13

14

NOTARY PUBLIC

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1 TRAPANI

2 C E R T I F I C A T E
3 STATE OF NEW YORK)
4 : SS.:
5 COUNTY OF QUEENS)
6

7 I, VERONICA PAOLINI, a Notary Public
8 for and within the State of New York, do
9 hereby certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not related
15 to any of the parties to this action by
16 blood or by marriage and that I am in no way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 31st day of August, 2008.
20

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25

Veronica Paolini
VERONICA PAOLINI

Defendant(s):

[illegible]

NOTARY PUBLIC

STATE OF NEW YORK)

COUNTY OF QUEENS)

*** AFFIDAVIT OF SERVICE ***

COLLETTE PHILITAS, being duly sworn, deposes and says:

I am not a party to the action hereinafter, I am over 18 years of age and live in Nassau County, State of New York.

That on 29th day of June, 2010, I served the annexed **RESPONSE TO DEBTORS' OBJECTION TO DISALLOW CLAIM ALLEGED NO "LEGAL LIABILITY", AFFIRMATION IN SUPPORT OF RESPONSE TO DEBTORS' OBJECTION TO DISALLOW ANNA THOMAS' CLAIM NUMBERED 3145 BASED UPON ALLEGED NO "LEGAL LIABILITY" and SUPPORTING PAPERS**, that is attached hereto upon the following named attorney(s):

Clerk of the Bankruptcy Court
UNITED STATES BANKRUPTCY COURT
701 East Broad Street, Room 4000
Richmond, Virginia 23219

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
P.O. Box 636
Wilmington, Delaware 19899-0636

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
155 North Wacker Drive
Chicago 407-0700

MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, Virginia 23219

at the addresses designated by said attorney(s) for that purpose by depositing a true copy of same in a post-paid wrapper, in an official depository by regular mail under the exclusive care and custody of the U.S. Postal Service within the State of New York.

Sworn to before me this
29th day of June, 2010.

COLLETTE PHILITAS

NOTARY PUBLIC

STUART L. SEARS

Notary Public State of New York

No. 02SF5049209

Qualified in Queens County

Commission Expires Sept 11, 2013